

# Notice of Allowability

Application No.

10/764,350

Examiner

Edward F. Landrum

Applicant(s)

PERMAR, JOHN W.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's remarks filed on 11/27/2006.
2. ☒ The allowed claim(s) is/are 1-12, 16, 18-20, 23, 26 and 27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

Claims 1-12, 16, 18-20, 23, 26, and 27 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1, 12, and 20 are allowable because they define the position of the lock pin as related to the first and second lock members as well as the first and second lock member receiving recesses.

a folding knife comprising a handle with a recess formed in the proximal end of the handle. A blade being rotatably connected to the distal portion of the handle and moveable between opened and closed positions. The blade contains a first lock member receiving recess that is formed by a bottom wall and two sidewalls extending upwardly therefrom, and a second lock member receiving recess adjacent the first lock member receiving recess and defined by a bottom wall and a sidewall extending upwardly therefrom. A lock bar is pivotally connected to the handle and moveable between engaged and disengaged positions. The lock bar comprises a first lock member, composed of a bottom wall and two sidewalls extending upwardly therefrom, that contacts the first lock receiving recess when the lock bar is in the engaged position. Mores specifically, the first lock member contacts contacts a portion of the first sidewall of the first lock member receiving recess when the blade is in an opened position and the lock bar is in the engaged position. A lock pin is connected to the handle adjacent to the first and second lock members so that when the blade is in the opened position

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and the lock bar is in the engaged position, the lock pin contacts the second sidewall of the first lock member and the bottom wall of the second lock member receiving recess.

Cunningham (U.S Patent No. 4,811,486) teaches (see Figures 1-5) a folding knife comprising a handle (1) with a recess formed in the proximal end of the handle (1). A blade (2) is rotatably connected to the distal portion of the handle (1) and moveable between opened and closed positions. The blade (2) contains a first lock member receiving recess (22) that is formed by a bottom wall and two sidewalls extending upwardly therefrom (see Figure 5). A lock bar (13) is pivotally connected to the handle (1) and moveable between engaged and disengaged positions. The lock bar (13) comprises a first lock member (14), composed of a bottom wall and two sidewalls extending upwardly therefrom, that contacts the first lock receiving recess (22) when the lock bar is in the engaged position (see Figure 5). A lock pin (34) is connected to the handle via arm (28) and screw (36) and is adjacent to the lock member (14) and spaced apart from the sidewall of the second lock member. The folding knife further comprises a second lock member receiving recess composed of a bottom wall (24) and a sidewall (24a) extending upwardly therefrom (see Figure 3) and is adjacent the first lock member receiving recess. The lock bar further comprises a second locking member. The second locking member is composed of a bottom wall and a sidewall extending upwardly therefrom and is adjacent the first locking member (see Figure 1 below, shadowed lines and characters added). Furthermore, the bottom wall and the side wall of the second lock member are spaced apart from the bottom wall and side wall of the second lock member receiving recess when the lock is engaged and the blade is in the

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opened position. Lastly, a spring member (19) is connected to the lock bar (13) and the handle (1). Cunningham fails to teach the lock pin being connected to the handle adjacent the first and second lock members so that when the blade is in the opened position the lock pin contacts the second sidewall of the first lock member and the bottom wall of the second lock member receiving recess.

Pardue (U.S Patent No. 5,822,866) teaches the correct placement of the lock bar and lock pin as compared to both the first and second lock members as well as the first and second lock member receiving recesses.

Although Cunningham and Pardue are considered combinable it would be improper hindsight to provide the pin and bar combination as taught by Pardue to the knife of Cunningham as the lock bar of Pardue is formed of multiple pieces as compared to the single piece of Cunningham, and moving the lock pin to the location of Cunningham would prevent the movement of the lock pin as taught by Cunningham.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

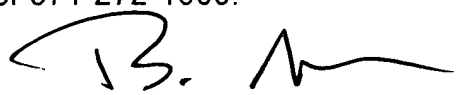
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL

12/6/2006



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER